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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,279	04/20/2004	Christopher B. Best	20003.0080	2647
23517	7590	07/13/2005		
SWIDLER BERLIN LLP			EXAMINER	
3000 K STREET, NW			HUNTER, ALVIN A	
BOX IP				
WASHINGTON, DC 20007			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/827,279	BEST, CHRISTOPHER B.
	Examiner Alvin A. Hunter	Art Unit 3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 24 June 2005.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-18 is/are pending in the application.  
4a) Of the above claim(s) 14-18 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-13 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/20/2004.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of Group I, claims 1-13, in the reply filed on June 24, 2005 is acknowledged.

Claims 14-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 24, 2005.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutin (USPN 5299807).

Regarding claim 1, Hutin discloses a club head comprising a face member having a striking face and a rear surface opposite the striking face wherein the rear surface has a first perimeter profile, a dampening member coupled to the rear surface and having a perimeter profile that is substantially the same as the face member perimeter profile, and a body member coupled to the dampening member (See Abstract and Figure 1).

Regarding claim 3, Hutin discloses the club head having a hosel (See Figure 1).

Regarding claim 4, Huitin discloses the dampening member coupled to all of the rear surface (See Figure 1 and 2).

Regarding claim 5, Huitin discloses mechanical fasteners coupling the face member, dampening member, and body member (See Figures 1 and 2).

Regarding claims 6 and 7, Huitin shows the face member is completely isolated from the body member by the dampening member (See Figures 1 and 2).

Regarding claim 8, Huitin discloses the dampening member being and adhesive that couples the face member and body member (See Column 2, lines 60 through 65).

Regarding claim 9, Huitin notes that the thickness of the dampening member is no more than 0.5mm, which is approximately 0.02 inches (See Column 2, lines 48 through 55).

Regarding claim 13, Huitin is capable of being used as a putter head being that the structural limitations of the claims have been met.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huitin (USPN 5299807).

Regarding claim 2, Huitin notes that the club head body member and face member can be made of any well known metal materials within the art. Steel and

aluminum are two materials well known within the art and are readily used within the art. One having ordinary skill in the art would have found it obvious to use aluminum and steel for the face member and the body member for economical purposes because the material is readily available to the designer.

Regarding claim 10, Hutin notes in Column 3, lines 34 through 40 that the thickness of the dampening member may be varied. Hutin only requires the thickness to be within a particular range near the center of percussion; allowing the thickness around that area to be of any value desired by the inventor. One having ordinary skill in the art would have found it obvious to have the dampening insert of any thickness so long as the club head reduces distortion of off-center impacts.

Regarding claims 11 and 12, Hutin does not disclose the thickness of the face member. Though Hutin does not disclose the thickness of the face member, one skilled in the art would draw therefrom that the face member's thickness can be of any value so long as the disclosed invention is achieved. Furthermore, applicant does not disclose why the face member thickness is critical in order to attain the instant claimed invention. One having ordinary skill in the art in light of Hutin would have found it obvious to have the face member of any thickness so long as the invention disclosed by Hutin is attained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-

4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 3:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich, can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*AAH*  
Alvin A. Hunter, Jr.

  
GREGORY VIDOVICH  
SUPERVISORY PATENT EXAMINER  
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